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June 12, 2023

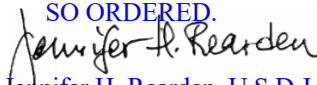
BY ECF

The Honorable Jennifer H. Rearden
United States District Judge
500 Pearl Street
New York, New York 10007

Application GRANTED. Fact discovery shall be completed by November 15, 2023. This deadline will not be further extended. The conference scheduled for June 15, 2023 is adjourned *sine die*. By July 28, 2023, the parties shall file a joint letter updating the Court on the status of discovery, including depositions. By September 11, the parties shall file an additional joint letter identifying the depositions that have taken place, and those that remain outstanding, as well as the status of other discovery. By November 17, 2023, the parties shall file a joint letter confirming that discovery has concluded and apprising the Court of any efforts to settle this case.

Re: *Sabrina Toner v. City of New York, et al.*, 22 CV 1354 (JHR)

Your Honor:

SO ORDERED:

Jennifer H. Rearden, U.S.D.J.
Date: June 13, 2023

I represent the plaintiff in the above-referenced civil rights action. I write with defense counsel's consent to request an enlargement of the parties' time to complete fact discovery as set forth in the Civil Case Management Plan and Scheduling Order (ECF Doc. 20), as well as a corresponding adjournment of the pretrial conference scheduled for June 15, 2023, at 11:30 AM. This is the first such request by the parties.

As an initial matter, the parties are engaged cooperatively in discovery, and have no disputes necessitating judicial intervention. However, depositions have not yet been conducted as the parties are currently using their best efforts to work out a paper discovery issue that is necessary for the parties to be ready to conduct depositions of the defendants.

In addition, the parties are working cooperatively to attempt to streamline depositions as much as possible. In this regard, defendants have given notice of more than ten potential witnesses. The parties have discussed working together to attempt to identify those witnesses who will likely be called at trial so that a determination can be made as to whether all identified witnesses will need to be deposed, or if some lesser number would suffice.

Finally, given counsel's summer vacation schedules, among other scheduling issues, including my trial schedule, which currently includes a lengthy wrongful conviction trial in Albany in September, and a federal jury trial in Central Islip in October, the parties request leave to complete fact discovery by November 15, 2023.

Thank you for your consideration.

Respectfully,



Brett H. Klein

cc: Gregory J.O. Accarino, Esq. (by ECF)